



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

May 30, 2019

MEMORANDUM FOR: The Honorable Kevin K. McAleenan
Acting Secretary
Department of Homeland Security

FROM: John V. Kelly
Acting Inspector General

SUBJECT: *Management Alert – DHS Needs to Address
Dangerous Overcrowding Among Single Adults at
El Paso Del Norte Processing Center*

For your action is our final management alert, *Management Alert – DHS Needs to Address Dangerous Overcrowding Among Single Adults at El Paso Del Norte Processing Center*, the purpose of which is to notify you of urgent issues that require immediate attention and action. Specifically, we are recommending that the Department of Homeland Security (DHS) take immediate steps to alleviate dangerous overcrowding at the El Paso Del Norte Processing Center (PDT). Issuance of this management alert is consistent with our duties under the *Inspector General Act of 1978*, as amended, to conduct inspections and recommend policies to promote economy, efficiency, and effectiveness in DHS programs and operations.

We have incorporated the formal comments provided by your office on the draft management alert and appended them verbatim. Your office concurred with the recommendation we made to alleviate overcrowding at PDT, but gave a target completion date of November 30, 2020. Because DHS's corrective action is critical to the immediate health and safety needs of detainees, who cannot continue to be held in standing-room-only conditions for weeks until additional tents are constructed, we consider the recommendation open and unresolved. We will continue our spot inspections of the southern border facilities and may revisit El Paso sector sites to monitor overcrowding.

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our alert to congressional committees with oversight and appropriation responsibility over DHS. We also will post the alert on our website for public dissemination.

Please call me with any questions, or your staff may contact Diana Shaw, Assistant Inspector General for Special Reviews and Evaluations, at (202) 981-6000.



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Background

In May 2019, U.S. Customs and Border Protection (CBP) and Border Patrol leadership jointly testified before Congress that they are experiencing an unprecedented border security and humanitarian crisis along the southwest border. According to CBP statistics, the number of southwest border migrant apprehensions during the first seven months of FY 2019 has in general already surpassed that of the total apprehensions for each of the previous four fiscal years. At the sector level, El Paso has experienced the sharpest increase in apprehensions when comparing the first seven months of FY 2019 to the same period in FY 2018. Table 1 shows the total number of apprehensions by category and the percent increase for the El Paso sector.

Table 1. El Paso Sector Border Patrol Apprehensions

	Apprehensions October 2017 to April 2018	Apprehensions October 2018 to April 2019	Percent Increase
Unaccompanied Alien Children	2,116	10,027	374%
Family Units	3,865	74,072	1,816%
Single Adults	7,665	13,953	82%
Total	13,646	98,052	619%

Source: Border Patrol southwest border apprehensions by sector

During the week of May 6, 2019, we visited five Border Patrol stations and two ports of entry in the El Paso area, including greater El Paso and eastern New Mexico, as part of our unannounced spot inspections of CBP holding facilities. We reviewed compliance with CBP's Transport, Escort, Detention and Search (TEDS) standards,¹ which govern CBP's interaction with detained individuals, and observed dangerous holding conditions at the El Paso Del Norte Processing Center (PDT) Border Patrol processing facility, located at the Paso Del Norte Bridge, that require immediate attention. Specifically, PDT does not have the capacity to hold the hundreds currently in custody safely, and has held the majority of its detainees longer than the 72 hours generally permitted under the TEDS standards (TEDS 4.1).²

¹ U.S. Customs and Border Protection, National Standards on Transport, Escort, Detention, and Search, October 2015.

² TEDS 4.1 provides that "[d]etainees should generally not be held for longer than 72 hours in CBP hold rooms or holding facilities. Every effort must be made to hold detainees for the least amount of time required for their processing, transfer, release, or repatriation as appropriate and as operationally feasible."



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Overcrowding and Prolonged Detention at the PDT Border Patrol Facility Puts Detainees and DHS Personnel at Risk

According to PDT Border Patrol processing facility staff, the facility's maximum capacity is 125 detainees. However, on May 7 and 8, 2019, Border Patrol's custody logs indicated that there were approximately 750 and 900 detainees on site, respectively. TEDS standards provide that "under no circumstances should the maximum [cell] occupancy rate, as set by the fire marshal, be exceeded" (TEDS 4.7). However, we observed dangerous overcrowding at the facility with single adults held in cells designed for one-fifth as many detainees (see Figures 1 through 3). Specifically, we observed:

- a cell with a maximum capacity of 12 held 76 detainees (Figure 1);
- a cell with a maximum capacity of 8 held 41 detainees (Figure 2); and
- a cell with a maximum capacity of 35 held 155 detainees (Figure 3).

Figure 1: Overcrowding of Adult Females in PDT Holding Cell Observed by OIG on May 8, 2019



Source: OIG



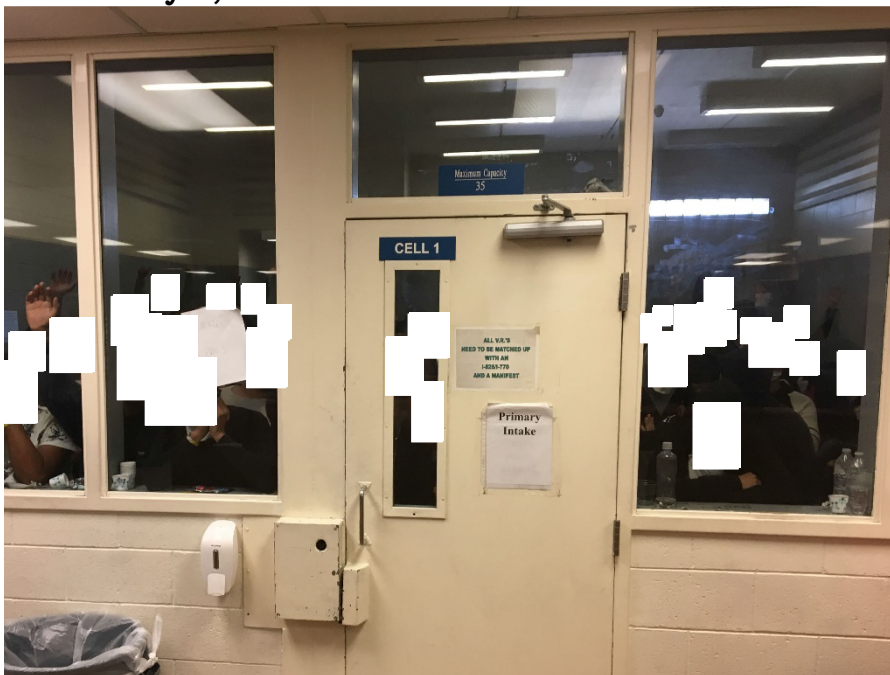
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**Figure 2: Overcrowding of Adult Females in PDT Holding Cell Observed by
OIG on May 7, 2019**



Source: OIG

**Figure 3: Overcrowding of Adult Males in PDT Holding Cell Observed by
OIG on May 7, 2019**



Source: OIG



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PDT's seven general cells and three small isolation cells are unable to accommodate the number of detainees currently being held at the processing facility within TEDS standards. Further limiting available space is the need to separate detainees with infectious diseases, such as chicken pox, scabies, and influenza, from each other and from the general population.

Border Patrol agents told us some of the detainees had been held in standing-room-only conditions for days or weeks. According to Border Patrol's custody logs, there were 756 detainees on site when we visited PDT on May 7, 2019. Of those, 502 detainees (66 percent) had been held at PDT for longer than 72 hours, with 33 detainees (4 percent) held there for more than two weeks. On May 8, 2019, we returned to PDT for another unannounced spot inspection and observed that some family units and adult females had been transferred, but overall numbers were even higher as additional detainees had arrived for processing. According to Border Patrol staff, on May 8, 2019, the total number on site was approximately 900.

During our visits, we observed the triage of hundreds of detainees outside in the PDT parking lot. There were approximately 75 people treated for lice, hundreds of family units waiting in the tented area to be processed,³ and hundreds of detainees in line to surrender their valuables, such as money and phones, to DHS staff.⁴ Figure 4 depicts some of the outdoor lines we observed on May 7, 2019, and May 8, 2019. We also observed staff discarding all other detainee property, such as backpacks, suitcases, and handbags, in the nearby dumpster (see Figure 5). Border Patrol personnel told us that these items might be wet, have bugs, and be muddy, and, therefore, presented a "biohazard."⁵

³ PDT staff informed us that as of May 11, 2019, PDT no longer holds family units in the parking lot.

⁴ DHS has detailed CBP Office of Field Operations officers to assist with custody management at PDT.

⁵ Border Patrol personnel are responsible for ensuring a healthy and safe work environment including prompt identification and abatement of hazards related to unsafe or unhealthful working conditions as per the CBP Occupational Safety & Health Handbook (Office of Human Resources Management, Occupational Safety & Health Division: HB 5200-08B, September 2012).



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Figure 4: Family Units and Single Adults in the PDT Parking Lot Observed by OIG on May 7 and 8, 2019, Respectively



Source: OIG

Figure 5: Dumpster with Detainee Personal Property Observed by OIG on May 8, 2019



Source: OIG

We are concerned that overcrowding and prolonged detention represent an immediate risk to the health and safety not just of the detainees, but also DHS agents and officers. Border Patrol management on site said there is a high incidence of illness among their staff. Border Patrol management at PDT and other sites also raised concerns about employee morale and that conditions were elevating anxiety and affecting



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employees' personal lives. They noted that some employees eligible for retirement had accelerated their retirement dates, while others were considering alternative employment opportunities.

In addition, Border Patrol management on site said there is an ongoing concern that rising tensions among detainees could turn violent. We observed that staff must enter crowded cells (see Figure 6) or move large numbers of detainees for meals, medical care, and cell cleaning. For example, at the time of our visit, 140 adult male detainees were crowding the hallways and common areas of the facility while their cell was being cleaned. We observed staff having difficulty maneuvering around this crowd to perform their duties, and were told that staff feel they have limited options if detainees decide not to cooperate.

Figure 6: Armed Border Patrol Agent Verifying Temperature in PDT Single Adult Female Holding Cell Observed by OIG on May 7, 2019



Source: OIG

The overcrowded conditions also complicate efforts to ensure compliance with TEDS standards. For example, CBP was struggling to maintain hygienic conditions in the holding cells. With limited access to showers and clean clothing, detainees were wearing soiled clothing for days or weeks. Although TEDS standards do not require a change of clothing for adults, Border Patrol agents said they were nevertheless trying to obtain clean clothing for adult females because the lack of clean clothes was “wearing down on them.” We also observed detainees standing on toilets



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in the cells to make room and gain breathing space, thus limiting access to the toilets. Border Patrol agents said detainees who were not ill were raising medical complaints to obtain temporary release from the cells, adding to the medical staff's burden.⁶

DHS Needs a Coordinated Approach to Managing Long-Term Detention during Sharp Increase in Apprehensions

Although CBP headquarters management has been aware of the situation at PDT for months and detailed staff to assist with custody management, DHS has not identified a process to alleviate issues with overcrowding at PDT. Within DHS, providing long-term detention is the responsibility of U.S. Immigration and Customs Enforcement (ICE), not CBP.⁷ El Paso sector Border Patrol management said they are able to complete immigration processing for most detainees within a few days, but have not been able to transfer single adults into ICE custody quickly. Border Patrol managers at the stations we visited said they call ICE daily to request detention space for single adults. They said in some instances ICE officers tell them they cannot take the detainees. In other instances, ICE initially agrees to take some adult detainees, but then reverses the decision.

ICE has the infrastructure to transport and detain aliens nationwide, but its current ability to do both of these tasks is also strained.⁸ ICE senior managers stated that ICE does not currently have sufficient detention bed space to take all of Border Patrol's adult detainees, and explained that Border Patrol has the authority to decide which detainees are the highest priority to transfer to ICE custody. ICE managers also stated that ICE prioritizes requests from CBP over any other requests for bed space and, when possible, uses its national transportation system to fly and transport detainees to available detention beds.

When we discussed the situation at PDT with ICE, ICE officials suggested the El Paso sector could develop a single point of contact to better prioritize requests for adult detention beds. They said with individual Border Patrol stations making requests to ICE, the highest priority detainees may not be transferred to ICE. Prioritization could alleviate the

⁶ At the time of our visit, contract medical staff had been on site for 3 months to screen detainees and treat minor ailments.

⁷ See 6 U.S.C. § 211(c)(8)(B).

⁸ ICE has detailed 32 officers to assist its local staff with processing aliens apprehended in El Paso sector; 24 are assisting with family units, and 8 with single adults. ICE is processing family units for release daily, and accepts single adults into ICE detention facilities as soon as space becomes available.



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situation at PDT and in the El Paso sector in the short term, but would not contribute to a coordinated DHS approach to managing long-term detention during this sharp increase in border apprehensions.

Recommendations

We recommend the Acting Secretary of DHS:

1. Take immediate steps to alleviate the overcrowding at the El Paso Del Norte Bridge Processing Center (PDT).

DHS Management's Response and OIG Analysis

DHS management provided written comments on a draft of this alert. We included a copy of DHS' management comments in their entirety in appendix A. We also incorporated DHS' technical comments in the final alert, as appropriate.

DHS Response to Recommendation #1:

Concur. CBP has constructed a 500-person holding capacity soft-sided structure at El Paso Station, will construct an additional tent by July 31, 2019, and will open a Centralized Processing Center within 18 months. CBP will continue to review the number of migrants in custody at Border Patrol stations to determine available space and transfer subjects accordingly. The Border Patrol, through its single point of contact at El Paso Sector, will continue to communicate with ICE to improve the migrant transfer process.

The estimated completion date is November 30, 2020.

OIG Response:

We observed conditions at the El Paso Del Norte Processing Center (PDT) Border Patrol facility that represent an immediate risk to the health and safety of detainees and DHS employees. Specifically, Border Patrol agents told us some single adults had been held in standing-room-only conditions for days or weeks. Border Patrol management on site said there is an ongoing concern that rising tensions among detainees could turn violent. Dangerous overcrowding among single adults in PDT requires immediate action.



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While we consider the actions outlined in DHS' response to be partially responsive to the recommendation, the recommendation will remain unresolved and open until DHS offers an immediate corrective action plan to address the dangerous overcrowding at PDT.



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Appendix A
DHS's Management Comments to the Draft Management Alert


U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

May 28, 2019

MEMORANDUM FOR: John V. Kelly
Acting Inspector General

FROM: *for* Jim H. Crumpacker, CIA, CFE 
Director
Departmental GAO-OIG Liaison Office

SUBJECT: Management Response to OIG Draft Management Alert: "DHS Needs to Address Dangerous Overcrowding Among Single Adults at El Paso Del Norte Processing Center (PDT) – For Official Use Only" (Project No. 19-039-SRE-CBP)

Thank you for the opportunity to review and comment on this draft report. The U.S. Department of Homeland Security (DHS) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

DHS performs an essential role in securing our Nation's borders at and between ports of entry, and enforces U.S. immigration law within the interior of the country. U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) officers and agents continually uphold the utmost professionalism while performing essential border security operations. DHS is devoted to the care and processing of the individuals in our custody with the utmost dignity and respect.

The current situation on the border represents an acute and worsening crisis. Our immigration system is not equipped to accommodate a migration pattern like the one we are experiencing now. Previous patterns—somewhat predictable in composition and predicated on seasonal variations—are no longer the norm. Through April 2019, CBP enforcement actions along the southwest border are 84 percent higher than the same period last fiscal year; this includes a 117 percent increase in U.S. Border Patrol (USBP) apprehensions. Additionally, the speed with which illegal migrants are transiting through Mexico to reach our southern border is frustrating our best efforts to respond quickly.

The current migration flow and the resulting humanitarian crisis are rapidly overwhelming the ability of the Federal Government to respond. In March 2019, CBP



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encountered over 103,000 illegal border crossers and inadmissible aliens. In April 2019, that number exceeded 109,000—the highest monthly levels in more than a decade.

DHS has taken steps to ensure an elevated standard of care in response to the current humanitarian crisis and has directed additional personnel and resources to the border. CBP has constructed a weatherproof and climate-controlled soft-sided structure in the El Paso Sector. The structure will allow Border Patrol agents to expedite, process, and transport migrants to ICE or the U.S. Department of Health and Human Services. The structure provides areas for eating, sleeping, recreation, and personal hygiene for up to 500 people. There are also separate areas for processing, medical evaluations, bathroom facilities, laundry, trailers, sleeping mats, kitchen equipment, personal property storage boxes, office space, television, and lockers.

Additionally, a modular facility that is capable of holding up to 800 people is projected to be in use by July 2019. Construction of a permanent Centralized Processing Center (CPC) in El Paso is planned to further alleviate overcrowding. The CPC is expected to be operational in approximately 18 months, with a holding capacity of approximately 1,800. Congress can also help by working on targeted solutions to restore integrity to our immigration system and remove the incentives for families and children to cross our border illegally.

The draft report contained one recommendation, with which the Department concurs. Attached find our detailed response to the recommendation. Technical comments were previously provided under separate cover.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Attachment



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Attachment: Management Response to Recommendation Contained in 19-039-SRE-CBP

The OIG recommended that the Acting Secretary of DHS:

Recommendation 1: Take immediate steps to alleviate the overcrowding at El Paso Del Norte Processing Center (PDT).

Response: Concur. In an effort to alleviate the overcrowding at the PDT brought on by the unprecedented increase in the number of families and children arriving at the Southwest Border, CBP has implemented a multi-layered approach.

CBP has constructed a 500 holding capacity soft-sided structure at El Paso Station that has been operational since May 2, 2019. CBP will construct an 800 holding capacity modular facility at El Paso Station to be operational by July 31, 2019. In addition, a permanent CPC with a holding capacity of approximately 1,800 is planned to further alleviate overcrowding in El Paso. It is scheduled to be operational within 18 months.

CBP will continue to review the number of migrants in custody at USBP stations within El Paso Sector to determine available space and transfer subjects accordingly. USBP, through its single point-of-contact at El Paso Sector, will continue to communicate with ICE's Enforcement and Removal Operations to improve the migrant transfer process.

In an effort to supplement staff, CBP will continue to temporarily detail Border Patrol Agents and CBP Surge Force personnel to El Paso Sector, as well as utilize personnel from the U.S. Department of Defense.

Due to capacity issues, USBP will continue processing non-criminal family units for immediate release under an order of recognizance.

Estimated Completion Date: November 30, 2020.



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Appendix B

Management Alert Distribution

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